

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-8 and 10-32 are officially pending, but claims 10-22, 25-27 and 29-32 should now be reexamined once generic claims 1, 23 and 28 are found allowable.

In the specification, paragraphs have been amended on pages 8 and 12.

Claims 1, 23 and 28 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

The Applicant appreciates the helpful telephonic interview of October 20, 2004, in which independent claims 1, 23 and 28 were discussed. The applied prior art of Grier ('106) and Vaez-Iravani ('411B1) was also discussed in detail, and several amendments were reviewed with assistance from the Examiner. While final agreement was not reached in the interview, the amendments to the independent claims were made with the interview suggestions being incorporated.

Claims 1, 2 and 28 were rejected as anticipated by Grier '106. As a result of the interview, claim 1 was amended to clearly define over Grier by including the feature of the formation of diffraction-limited focal spots for each of the plurality of laser beams used to form the sample image. This enables thereby the creation of substantially aberration free resolution for the spots forming the sample image. Without the laser beams forming the diffraction-limited focal spots, aberrations would result. In addition, a second optical component, such as the ocular lens 222, is used to form the image to establish a confocal microscope system. Grier '106 does not teach this combination of elements. Moreover, Grier '106 expressly teaches away from a

confocal microscope system at col. 5, lines 53-64 where images are to be formed by a separate conventional light system 66.

Claims 3-5 and 7 were rejected as obvious over Grier '106 in combination with Vaez-Iravani '411. In view of the above-described distinctions over Grier '106, it is believed that claims 3-5 and 7 are allowable over this rejection.

Claims 6 and 8 were also rejected as obvious over Grier '106, the '411 patent and Horikawa (5,331,456). Again, in view of the amendment of claim 1, claims 6 and 8 are believed to be patentable.

Claims 23 and 24 were also rejected as obvious over '411 and Grier '106. Independent claim 23 was amended to include the combination of diffraction-limited focal spots which achieve substantially aberration free resolution for the spots forming the sample image. In addition, an optical element is placed in the optical train to form the sample image with the diffraction-limited focal spots to establish a confocal microscope system for imaging the sample. As pointed out before, Grier '106 clearly teaches away from using the system to form a confocal microscope system and instead instructs the reader to use a conventional light imaging system to image the sample. Further, the '411 patent does not recognize the severe shortcomings of the optical arrangement by not forming diffraction-limited focal spots for all the plurality of laser beams being used to form the sample image. Consequently outside a very tight central region of the image, one of ordinary skill would know that the '411 system and method suffers from the substantial deficiency of teaching formation of an image with substantial aberrations. Since Grier '106 provides no bridge or reasonable basis for one of skill in the art to recognize the application of Grier '106 to modify the '411 system, it is respectfully submitted that claims 23, 24 and also claim 28, as amended, are patentable over Grier '106 in combination with the '411, either as primary or secondary references.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

Respectfully submitted,

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TITLE:PARALLEL SCANNED LASER CONFOCAL MICROSCOPE

INVENTOR(S):GRIER ET AL.

APPL. NO.:09 / 09 / 917,346

ANNOTATED MARKED-UP DRAWINGS

1 / 2

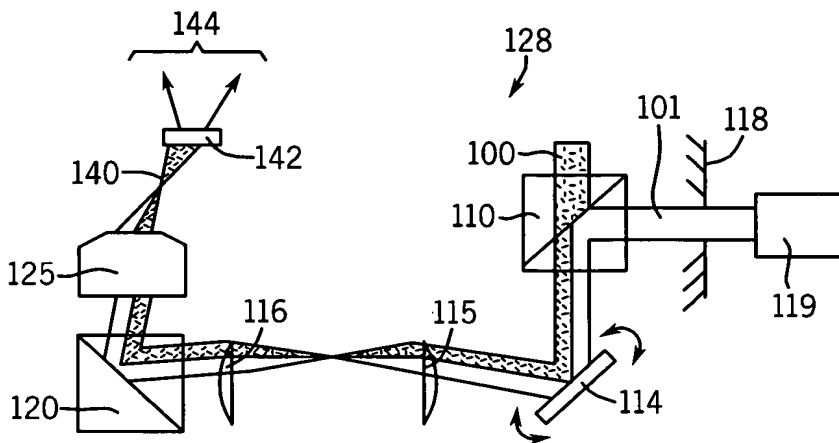


FIG. 1

PRIOR ART

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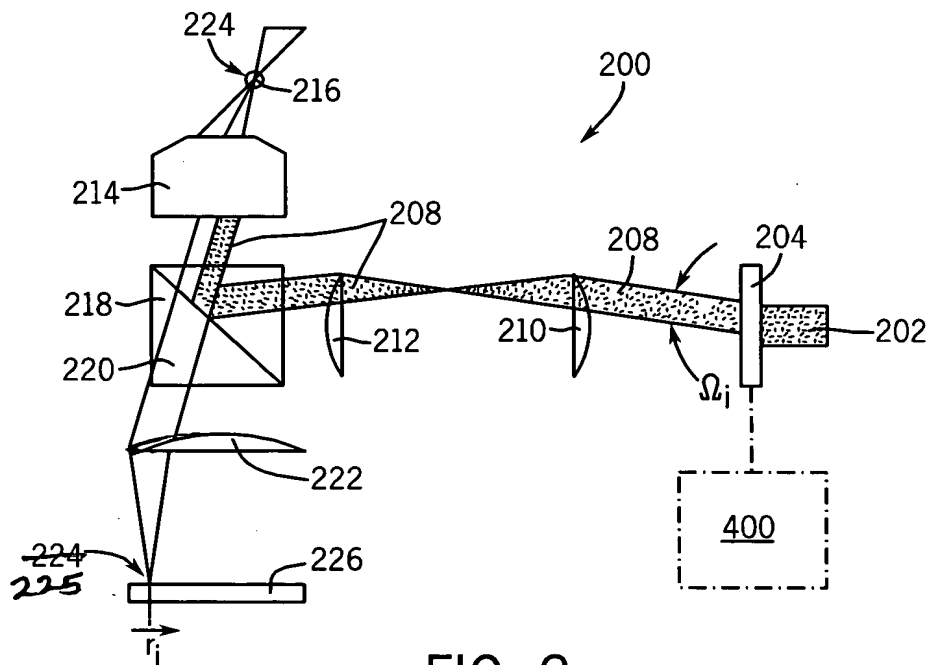


FIG. 2



TITLE:PARALLEL SCANNED LASER CONFOCAL MICROSCOPE

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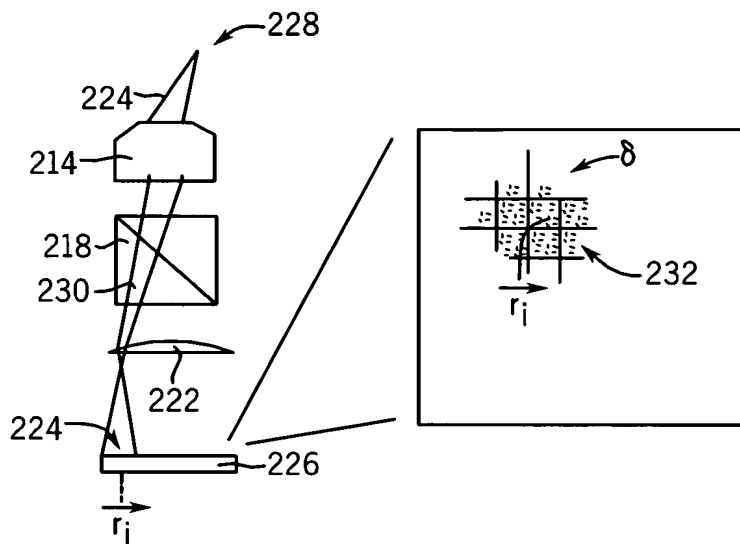


FIG. 3

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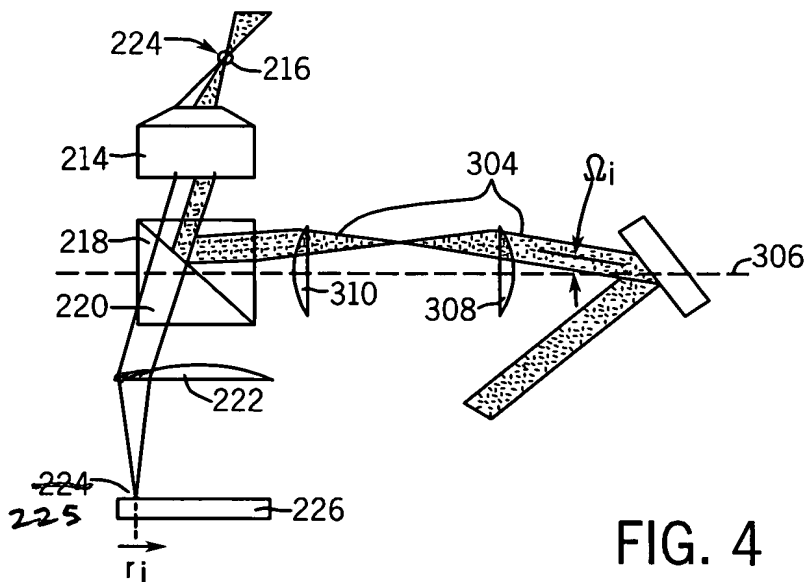


FIG. 4